IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1941 OF 2006

The Bassein Agricultural Co-operative Society Ltd. ...Petitioner
Vs.
The Division Joint Registrar, Co-operative Societies & Ors. ...Respondents

Shri S.I. Jayakar i/by Shri B.D. Kadam for the Petitioner.
Mr R.M.Patne, A.G.P. for the Respondent Nos.1 and 2.
Mr A.S. Ramesan i/by Mr J.S. D'Mello for the Respondent No.3.

CORAM : S. B. MHASE, J.
DATE : MARCH 23, 2006.

P.C.:

1. Heard both the sides. The Respondent No.3 was directed to be enrolled as a member of the Petitioner-Society in view of the powers under section 23 of the Maharashtra Co-operative Societies Act. Though the order was carried in revision before the Joint Registrar, the said revision was dismissed. The said order is challenged before this Court. The learned Counsel for the Petitioner pointed out that the Respondent No.3 is member of various societies and therefore, petitioner has rejected application. That cannot be ground of rejection of application. Person is entitled to become member of more than one societies. However, Rule 45 of the Maharashtra

Co-operative Societies Rules puts restriction on borrowing by said member and said member has to execute Form No.‘K’ and disclose from which society he is going to borrow. If he fails to execute the Form No.‘K’, such member can be removed from ‘a’ society and/or ‘all’ societies as provided by Rule 45 sub-rule 2 of Maharashtra Co-operative Societies Rules. In view of this provision this Court finds that there is no merit in the Petition. However, the society may direct the Respondent No.3 to fill in Form No.‘K’ and select one of such societies of which he is member, from which he will be borrowing the loans. With these observations, Petition is rejected.

JUDGE